IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 32729 of 2007(U)

PETITIONER:

P.A. KUTTAN, AGED 61 YEARS,
S/O. DAIVATHAN, RESIDING AT SHIVASAKTHINILAYAM,
KALPAKA NAGAR (K-6), ATHANI, ALUVA-683 585.

BY ADV. SRI.C.A.JOY

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
CHENGAMANADU.

2. KERALA AGRO MACHINERY CORPORATION LTD.
(KAMCO), ATHANI-683585, REPRESENTED BY ITS
MANAGING DIRECTOR.

3. KAMCO HEAD LOAD & GENERAL WORKERS
UNION (AITUC), ATHANI-683585, REPRESENTED BY ITS
SECRETARY.

BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND
SRI.A.M.SHAFFIQUE – SC KAMCO
GOVT. PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 32729/2007

APPENDIX

PETITIONER'S EXTS.

EXT.P1 - TRUE COPY OF THE WORK ORDER NO.STR/02/PKG/11 DATED 19.06.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 - TRUE COPY OF AGREEMENT DATED 19.06.2007

EXT.P3 - A TRUE COPY OF THE COMPLAINT DATED 19.09.2007 TO THE 2ND RESPONDENT.

EXT.P4 - TRUE COPY OF THE REPRRESENTATION DATED 18.10.2007 TO THE 2ND RESPONDENT.

EXT.P5 - TRUE COPY OF THE COMPLAINT DATED 18.10.2007 TO THE 1ST RESPONDENT.

EXT.P6 - TRUE COPY OF THE LETTER DATED 30.10.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P7 - TRUE COPY OF THE REPLY DATED 13.11.2007 GIVEN BY THE PETITIONER.

RESPONDENTS' EXTS.

EXT.R3(a) – COPY OF ORDER DATED 21.03.07 OF THE DLO, ERNAKULAM.

EXT.R3(b) – COPY OF LETTER DATED 18.07.2007 OF THE 2ND RESPONDENT.

/TRUE COPY/

K.BALAKRISHNAN NAIR &

P.N.RAVINDRAN, JJ.

W.P.(C) NO.32729 OF 2007-U

Dated 18th December, 2007.

JUDGMENT

Balakrishnan Nair, J.

This Court passed an interim order in this writ petition on 26.11.2007, after hearing both sides. The writ petition is disposed of, maintaining the said interim order. But, the writ petitioner points out that to execute the contract awarded to him, he is entitled to engage his own workmen. The permission given to the 2nd respondent to take a decision as to the workmen who should be engaged by him will seriously prejudice him, it is submitted. The said order passed by us is only for the limited purpose of granting police protection. But that direction will not affect the contentions of the petitioner to establish his claim for engaging his own workmen before the

appropriate forum. In other words, the contentions of the petitioner in this regard are kept open.

K.BALAKRISHNAN NAIR, JUDGE.

P.N.RAVINDRAN, JUDGE.

Nm/